

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

DANIEL JOHN RILEY,)	
)	
Plaintiff)	
)	
v.)	No. 1:10-cv-218-GZS
)	
JAMES ALLANDYDY, et al.,)	
)	
Defendants)	

**REPORT OF HEARING AND ORDER
RE: MOTION TO WITHDRAW**

Held in Portland, Maine, by telephone on October 24, 2012, at 1:35 p.m.

Presiding: John H. Rich III, United States Magistrate Judge

Appearances: For the Plaintiff: Sven Wiberg, Esq.

For the Defendants: David Plourde, Esq.

The telephone conference was held, at my request, to discuss Attorney Wiberg's motion to withdraw as the plaintiff's counsel, *see* ECF No. 56, including whether the plaintiff required additional time either to obtain substitute counsel or to file a *pro se* objection to my report and recommended decision on the defendants' motion for summary judgment, *see* ECF No. 53. I had earlier granted a companion motion by Attorney Wiberg to extend by 10 days, to October 20, 2012, the plaintiff's deadline to file that objection. *See* ECF No. 57.

Attorney Wiberg reported that it is his understanding that the plaintiff mailed a *pro se* objection to my recommended decision on October 19, 2012, but that the plaintiff likely did require

additional time. Upon ascertaining that the objection had not yet been docketed as of the time of the teleconference, and without objection, I **GRANTED** Attorney Wiberg's oral motion and **RESET** the plaintiff's deadline *nunc pro tunc* to October 31, 2012, to allow for the receipt and docketing of his objection. Without objection, I then **GRANTED** Attorney Wiberg's motion to withdraw as the plaintiff's counsel.

SO ORDERED.

CERTIFICATE AND NOTICE

- A. This report fairly reflects the actions taken at the hearing and shall be filed forthwith.
- B. In accordance with Fed. R. Civ. P. 72(a), a party may serve and file an objection to this order within fourteen (14) days after being served with a copy thereof. Failure to file a timely objection shall constitute a waiver of the right to review by the district court and to any further appeal of this order.

Dated this 24th day of October, 2012.

/s/ John H. Rich III
John H. Rich III
United States Magistrate Judge